

November 18, 2016

*via electronic mail*

The Honorable Tom Wheeler, Chairman  
The Honorable Mignon Clyburn, Commissioner  
The Honorable Jessica Rosenworcel, Commissioner  
The Honorable Michael O’Rielly, Commissioner  
The Honorable Ajit Pai, Commissioner  
Federal Communications Commission

The Honorable Fred Upton, Chairman  
The Honorable Greg Walden, Chairman, Subcommittee on Communications and  
Technology  
Committee on Energy and Commerce  
United States House of Representatives

**Re: Finalizing FCC Accessibility Proceedings Critical to the Civil Rights of  
Millions of Americans  
FCC Docket Nos. 07-250, 10-254, 11-43, 12-108, 13-46, 15-178,15-285, and 16-145**

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel,  
Commissioner O’Rielly, Commissioner Pai, Chairman Upton, and Chairman Walden,

The undersigned groups represent the 48 million Americans who are deaf or hard of hearing and the 21 million Americans who are blind or visually impaired, whose civil rights to access video programming and communications technology on equal terms are guaranteed by numerous pieces of legislation, including the Twenty-First Century Communications and Video Accessibility Act (CVAA), many implemented and enforced by the Federal Communications Commission.

We understand that, in response to a November 15, 2016 letter from Chairman Upton and Chairman Walden urging the Commission to limit its rulemaking activity during the Presidential transition, the Commission struck several items from the agenda for its November 17, 2016 Open Meeting.<sup>1</sup> Among those items is a critical matter expected to expand access to video-described programming for viewers who are blind or visually

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<sup>1</sup> Letter from Chairman Upton and Chairman Walden to Chairman Wheeler (Nov. 15, 2016), <http://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/documents/114/letters/20161115FCC.pdf>; Deletion of Agenda and Consent Items from November 17, 2016 Open Meeting (“Deletion Notice”), [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2016/db1116/DOC-342208A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2016/db1116/DOC-342208A1.pdf).

impaired.<sup>2</sup> The Commission also presently has on circulation key items that are related to accessibility issues, including ensuring the accessibility of user interfaces, and other items we understand are nearly ready for circulation, including long-in-the-works items on Real-Time Text (RTT) service for next-generation telephone networks and hearing aid compatibility (HAC).

While we acknowledge the Committee's preference that the Commission cease action in deference to the new administration, we strongly urge the Commission to finalize pending accessibility items now, or as soon as is practicable—and the Committee to immediately clarify the importance of the Commission doing so.

These items are the product of extensive and long-running collaborations between and hard work by the disability community, industry, and government. For example, the Real-Time Text initiative is a critical underpinning of a nationwide collaboration of the deaf and hard of hearing community and telecommunications carriers to replace aging copper telephone and TTY infrastructure with twenty-first century technology to enable people who are deaf or hard of hearing to participate fully in the economic, democratic, and social aspects of modern society. The blind and visually impaired communities have worked with the Commission for nearly two decades to achieve basic access to the cultural lifeblood of American life that video programming represents. And the user interfaces and hearing aid initiatives represent long-running, collaborative, and common-sense efforts between consumers with disabilities and industry to ensure that accessibility keeps pace as technology evolves.

These items are not only critically important issues of access for our communities, but have been the subject of extensive notice and comment rulemakings and diligent, careful work by Commission staff for months and even years in some cases. As Chairman Thune has noted, “[t]here are certainly many consensus . . . matters on which the Commission can . . . focus its energies” before the Presidential transition—and these items are a clear example.<sup>3</sup> They are complete or substantially so, and voting them out is not only wholly consistent with administrative procedure but absolutely essential to protect the equal access of Americans with disabilities and fulfill the Commission's mandate under the CVAA and other statutes.

**The delay of months or perhaps years that it could take for a new administration to address the items is unacceptable when the civil rights of tens of millions of**

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<sup>2</sup> See Deletion Notice at 2 (deleting item entitled “Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010 (MB Docket No. 11-43) from the agenda).

<sup>3</sup> Letter from Chairman John Thune to Chairman Wheeler (Nov. 15, 2016), [https://www.commerce.senate.gov/public/\\_cache/files/9f4d394e-ca26-4c41-b00b-40c67bdda257/8EEB49BB39AFAA27C3EF2F7BE88477A7.20161115-chairman-thune-letter-to-fcc-chairman-wheeler.pdf](https://www.commerce.senate.gov/public/_cache/files/9f4d394e-ca26-4c41-b00b-40c67bdda257/8EEB49BB39AFAA27C3EF2F7BE88477A7.20161115-chairman-thune-letter-to-fcc-chairman-wheeler.pdf)

**Americans are at stake.** We urge you to act swiftly and definitively to ensure that the Commission fulfills its responsibilities to ensure that the promise of America's information age comes to fruition for all Americans.

Respectfully submitted,

/s/

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The Honorable Cathy McMorris-Rodgers, Chairman  
House Republican Conference  
The Honorable John Thune, Chairman  
The Honorable Bill Nelson, Ranking Member  
The Honorable Roger Wicker, Chairman, Subcommittee on Communications,  
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The Honorable Brian Schatz, Subcommittee Ranking Member,  
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The Honorable Ron Wyden  
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